

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<p>ZEBULON ENTERPRISES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>DuPAGE COUNTY, ILLINOIS, an Illinois Governmental Entity,</p> <p style="text-align: center;">Defendant.</p>
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Case Number 1:19-cv-05165

Hon. Elaine E. Bucklo  
United States District Judge

Hon. Jeffrey Cole  
United States Magistrate Judge

**JOINT STATUS REPORT**

**[Court's Order of May 26, 2022]**

**JOINT STATUS REPORT**

Included in the most recent scheduling order from Judge Bucklo (ECF Docket Document No. 136, entered May 26, 2022), the parties were ordered to submit a status report by August, 3 2022. This is in response to that order.

***Settlement Conference***

Magistrate Judge Cole ordered a settlement conference for July 13, 2022 (ECF Docket Document No. 134, entered May 3, 2022), which indeed then took place as reported by Magistrate Judge Cole (ECF Docket Document No. 138, entered July 13, 2022). As noted there, lead counsel for each party participated (*Id.*); additionally, the

sole beneficial owner (who also is the sole officer) of the plaintiff corporation appeared in the same location as Plaintiff's counsel. However, as is obvious because the defendant is a public entity, ultimate settlement authority for the defendant (*i.e.*, the 18-member DuPage County Board) could not be present. As ordered by Magistrate Judge Cole, the parties had exchanged settlement demands (which were detailed) prior to the settlement conference (*See* ECF Docket Document No. 137, filed July 13, 2022).

### ***Settlement Agreement***

There has been some delay in finalizing the settlement agreement, putting aside the defendant obtaining Board approval. The DuPage County State's Attorneys was beset with yet another COVID outbreak, eventually sending along the first draft of a settlement agreement later than anticipated. Then, for an assortment of reasons (attorney health issues and other matters), the plaintiff has been delayed responding.

The parties have exchanged a first round of comments on a proposed settlement agreement. However, the details are somewhat complex.

As always is the circumstance with cases in which a governmental-entity defendants settles a case involving more than simple repayment of money, this one includes a degree of complexity not present where the parties are both private individuals or entities. Also, Board approval (which will need to be at a regularly scheduled, twice monthly meeting) will take time. Before any of that can be done, the County needs to prepare some forms that will be incorporated in the agreement.

With appreciation for the assistance from Magistrate Judge Cole, the parties' attorneys and the plaintiff believe that a settlement agreement will be reached and approved by the Board. However, some time will be required to accomplish as much.

***Proposed Order***

THEREFORE, the parties respectfully suggest that the court continue its August 10, 2022 status hearing (no appearance required) for 45 days, although the parties will notify the court when a settlement agreement is finalized and approved if that takes place (as they expect) before then.

Dated: August 1, 2022.

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Respectfully Submitted,

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Joined:

/s/ Patrick J. Collins<sup>1</sup>  
Patrick J. Collins

Counsel for Defendant, DuPage County, Illinois

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<sup>1</sup> Signature authorized by email on at 4:54 a.m. CDT on August 1, 2022, in which Mr. Collins also acknowledged receipt of Plaintiff's comments to his proposed settlement agreement (sent July 31, 2022), but noting that he would be on vacation all of that week, *i.e.*, the week of August 1, 2022.

### **CERTIFICATE OF SERVICE**

I certify that on the date of the filing of the foregoing document, as reflected on the header inserted by the court's ECF/PACER system, a true and correct copy of it is being served upon each attorney of record in the above-captioned matter; and the original upon the Clerk of Court by way of the court's ECF/PACER system.

Signed this date: August 1, 2022.

/s/ Clyde DeWitt  
Clyde DeWitt